



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
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MITT ROMNEY  
Governor

KERRY HEALEY  
Lieutenant Governor

STEPHEN R. PRITCHARD  
Secretary

ROBERT W. GOLLEDGE, Jr.  
Commissioner

NOTICE OF FINAL LICENSE DETERMINATION

In Re: Issuance of Final Hazardous Waste Facility License # 27B-06

Issued To: General Chemical Corporation  
133 Leland Street  
Framingham, MA 01702  
EPA ID Number MAD019371079

On May 30, 1995, the Department of Environmental Protection (Department) issued a five-year license to General Chemical Corporation (GCC). In May 2000, GCC submitted a license renewal application to allow the company to continue hazardous waste facility operations at its site in Framingham, MA, until a final license determination by the Department.

Following technical review of the application, the Department prepared a draft license. Public Notice of the draft was given in the MetroWest Daily News on March 31, 2006.

Copies of the draft license were available for public review at the Framingham Public Library, the Framingham Board of Health, and the Department's Northeast Regional Office in Wilmington and the U.S. Environmental Protection Agency Region I New England Office in Boston.

The public comment period extended from March 31, 2006 through May 26, 2006. On May 18, 2006 the Department held a Public Hearing on the GCC draft license. At the Hearing and during the 55-day comment period, the Department received oral and written comments specific to the terms and conditions of the draft license. The Department's responses to comments it received are summarized in the document titled "Summary Response to Comments" attached to this notice. This document also describes revisions made to the draft license as a result of the comments received.

The Department grants General Chemical Corporation a final hazardous waste facility license.

The final license shall become effective twenty-one (21) days after the date of this notice of final determination, unless a request for an adjudicatory hearing is made pursuant to M.G.L. c. 21C and c. 30A, and 310 CMR 1.00.

Any person aggrieved by this decision may request an adjudicatory hearing before the Department pursuant to the “Appeal Rights and Time Limits” procedures attached to this notice.

SIGNATURE ON ORIGINAL

Date: \_\_\_\_\_

\_\_\_\_\_  
Steven A. DeGabriele, Director  
Business Compliance Division  
Bureau of Waste Prevention



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SUMMARY RESPONSE TO COMMENTS

The Department received comments on the Draft Hazardous Waste Facility License for General Chemical Corporation (GCC) from Framingham Town officials, a State Representative and EPA during the comment period and at the public hearing that was held on May 18, 2006 at Framingham Town Hall. Below is a summary of those comments, the Department's response and attached are changes made to the license based upon those comments.

A. Ginger Esty, Selectman, presented oral and written testimony on behalf of the Framingham Board of Selectmen. Framingham Fire Chief, Ollie Gadson and State Representative, Deborah Blumer presented oral comments.

Commenters focused primarily on the management of "flammable" waste within the facility, and the existing groundwater contamination at the site.

Below are the specific comments and the Department's responses to each comment:

- 1. The Framingham Board of Selectmen (Board) supports the Fire Chief's actions to keep flammables off the GCC site at all times, including during transit. It also supports the Fire Chief's request that any flammables accidentally received by GCC be removed from the facility immediately and that the Fire Department is notified whenever this occurs. In addition, given the facility's close proximity to a Framingham School, the Board seeks additional protective measures to ensure that children attending the nearby school are not at undue risk from dangerous chemicals or spills on the GCC site.**

**Further, the Board has concerns relative to ground water contamination and the manmade ditch which leads to Course Brook in Sherborn. This concern is due to the presence of private drinking water wells in Sherborn. The Board recommends that DEP require filtering of this groundwater before it gets to the brook. Also, the Board wants to ensure that children are prevented from playing in the ditch.**

The characteristics of hazardous waste are defined by Massachusetts Hazardous Waste Regulations at 310 CMR 30.120. Pursuant to 310 CMR 30.122 a waste exhibits the characteristic of “ignitability” if a representative sample of the waste is a liquid and has a flash point of less than 140 F. By contrast, the Massachusetts Fire Prevention Regulations, which are used by Fire Departments, have different terminology. In this case, the term “flammability” is defined as a flash point of less than 100 F. Therefore, Massachusetts Hazardous Waste Regulations include a broader range of chemicals than those regulated under the Fire Regulations as flammables. Consequently GCC rejects more chemicals than would be required under the Fire Prevention Regulations alone.

GCC’s hazardous waste license prohibits the facility from accepting and storing ignitable hazardous waste on site. Notwithstanding the prohibition, the license includes provisions for sampling, detecting and subsequent handling of unauthorized waste that may inadvertently enter the facility. Such provisions are necessary to account for circumstances when the facility must handle and manage unauthorized waste until it is removed from the site. This is a requirement of the regulatory framework that governs “chain of custody” provisions for hazardous waste as set forth in 310 CMR 30.305 - Destination of Hazardous Waste, 310 CMR 30.404 - Delivery of Shipment of Hazardous Waste, 310 CMR 30.408 - Hazardous Waste in Transit and 310 CMR 30.530 - Manifest System.

While the facility has often been able to remove rejected materials within 48 hours, the license provides up to five (5) days. This timeframe has been established to cover unpredictable situations, such as when an unauthorized waste arrives on a Friday and Monday is a holiday. It also recognizes GCC’s obligation to inform the generator and receive their approval of an alternative management plan before shipping the material to another authorized facility.

The Department required the facility to develop and implement a “Restricted Waste Rejection Monitoring Plan” that is included in the Waste Analysis Plan and made part of the facility license. The purpose of the Plan is to minimize the frequency of receipt of unauthorized waste. As the data provided to the Department by GCC shows, the Plan has proved its effectiveness by lowering the ignitable waste rejection rate from about 1% of incoming waste over the past few years, to approximately 0.75% last year.

Regarding notification to the Fire Department, GCC agrees to provide notification of ignitable rejections concurrently with its notification to the Department.

With respect to protection of school children, the Department determined that GCC has in place the large number of protective measures as required by 310 CMR 30.000. All working areas are sloped or bermed to prevent any spilled material from migrating off-site. A buffer zone separates the active portion of the facility from the schoolyard. Storage buildings and tank containment surfaces are sealed and coated to make them impervious, thus ensuring confinement of any release of material to the immediate area where it can be promptly cleaned up. In addition, the facility has terminated solvent recycling activities (May, 2002), once a source of community concern. The license includes a Contingency Plan that is designed to properly address, remediate and control any incident deemed an endangerment to people or to the environment. The facility

must implement the Plan every time such an event occurs. Since the issuance of the existing license GCC has not had any situation that required implementation of the Contingency Plan.

With regard to the concerns related to ground water contamination, GCC has conducted numerous environmental assessment studies which have shown that the un-named ditch/stream, located to the west of GCC, and running south into Course Brook is a ground water discharge point. Surface water samples from the ditch have been analyzed several times between 1999 and 2003 (recent testing results pending) and have shown a wide range of concentrations of volatile organic compounds (VOC's). These VOC's are present in the contaminant plume migrating off the GCC facility and range in totals from a maximum of 3290 parts per billion (ppb) nearest GCC to 156 ppb at the confluence of Course Brook. The concentrations generally **decrease** in a downstream direction to the confluence of Course Brook. Samples collected from Course Brook immediately downstream of the confluence show levels of VOC's that range from 245 ppb in 1999 to 6 ppb in 2003. Samples collected from Course Brook at surface water location SW-USA -1 approximately 2700 feet downstream of the confluence of the ditch range in total VOC concentrations from 82 ppb to non-detectable.

Any residential ground water supply wells, located in Sherborn downstream along Course Brook near SW-USA-1, where levels are low parts per billion to non-detect, are not at risk from any contamination related to Course Brook.

In February 2001, GZA GeoEnvironmental, on the behalf of GCC, completed an Imminent Hazard Evaluation that looked at short-term risks associated with children trespassing/recreating who might come into contact with the surface water in the un-named ditch. Using very conservative criteria, the conclusion was that there was no imminent hazard risk to children/trespassers. Department personnel recently performed a site visit and based on field observations and difficulty in accessibility, the Department considers the frequency of children playing in the ditch to be low.

In response to the Board's suggestion that the Department consider requiring GCC to filter/treat the surface water in the ditch, please note that in June 2006 GCC began operating a bioremediation ground water treatment system at the facility. The ground water treatment system is designed to intercept the most highly contaminated ground water migrating from GCC. The treatment system, if it functions as designed, will reduce the concentration of VOC's discharging to the ditch and thereby reduce the exposure risks to any trespassers/recreators.

GCC will be submitting an evaluation of the treatment system to the Department in the near future. Copies of the report will be sent to the Framingham Board Of Health and Framingham Library information repository. An executive summary of this and future reports will be sent to the Framingham Board of Selectmen and Sherborn Ground Water Committee representative.

The license corrective action provisions require GCC to perform a full site-wide risk analysis and to clean-up the contamination to meet the Massachusetts Contingency Plan (MCP) standards. The License conditions also provide for public involvement in the corrective action process similar to that found in the MCP. Every effort will be made to keep Framingham Town officials and other interested parties aware of the ongoing clean-up activities at GCC.

2. **Framingham State Representative Deborah Blumer provided testimony reinforcing the need to protect neighborhoods from hazardous waste that is transported on the roads. She requested that the license restricts even the temporary storage of ignitable waste because the site borders the school.**

GCC has conducted extensive personnel training and implemented a monitoring plan in order to prevent and thus reduce the frequency of waste rejections. When a rejection occurs, the facility must notify its customer, the waste generator. Until the generator is contacted and agrees upon an alternate facility that is permitted to manage the rejected waste, the rejected waste must be temporarily held at the facility. This requirement makes it practically impossible to eliminate the temporary holding of rejected waste at the facility, and ensures the rejected waste will be properly managed. (Also, see the response to Ms. Esty's comments above.)

3. **Ollie Gadson, Framingham Fire Chief, questioned whether "recycling" occurs on the property and whether "burning on site" is authorized by the license. He requested that the license not allow "flammables" on the GCC site. Also, he objected to the license stipulation for the storage of "flammables" and opined that there is no need for a clause allowing for storage, which therefore should be removed from the license.**

GCC voluntarily terminated solvent recycling activities in May 2002. Therefore, the company no longer engages in the treatment practices common to recycling, and the authority to conduct solvent recycling has been removed from the permit. GCC continues to act as a link in the recycling chain for used oils that are collected from businesses, placed in storage tanks at GCC and then transshipped to another facility where recycling is conducted.

The license does not authorize "burning on site" of any type of hazardous waste. Used Oil Management and Recycling, Specific License Conditions, Section B 4 (c) in the draft license inadvertently indicated authority for "burning on site". This has been corrected.

Used Oil Management and Recycling, Specific License Conditions, Section B 4 (b) incorrectly indicated 180 F instead of 100 F, as the temperature for heating the waste oil storage tanks in winter.

The license is being revised to address the inaccuracies. The final license will reflect the corrections.

All licensed hazardous waste facilities in Massachusetts have a designated area for temporary holding of waste that is not authorized by their facility license. The material must be managed in a manner that is both safe for personnel and protective of the environment, until it can be shipped off site with the generator's concurrence to another facility licensed to manage that waste. The temporary holding area for rejected ignitable waste was established with the Framingham Fire Department's input and concurrence. The area is isolated from operational activities and is equipped with a foam fire suppression system.

- 4. During the public comment period, the Department received verbal comments from EPA regarding informational/editorial updates (i.e., the most recent date for a Fire Code revision, updated bank information, etc.).**

The final license will incorporate all the required revisions and will reflect the updated information.